

labor counselor as the Army representative. An ADO may not serve as an Army representative. At the request of the labor counselor, the Activity Commander may also appoint a personnel specialist or other activity personnel to assist the labor counselor.

**§ 588.17 Arranging for the investigation.**

(a) Within 3 calendar days after acceptance of a formal complaint, the EEO officer will request the assignment of a USACARA investigator. (See appendix K.) A copy of the request letter without enclosures will be provided to the complainant, his or her representative, and the labor counselor. The request must contain the following information:

- (1) A clear statement of the issues that were accepted.
- (2) A statement of the parts of the complaint that were rejected.
- (3) The complainant's organization, work location, mailing address, and telephone numbers (both AUTOVON and commercial).
- (4) The complainant's designation of a representative, including the representative's work and mailing addresses and telephone numbers (both AUTOVON and commercial).
- (5) A fund citation for travel and per diem.
- (6) A specific point of contact within the activity EEO office.
- (7) Legible copies of the following documents:
  - (i) The formal complaint.
  - (ii) The EEO counselor's report.
  - (iii) Any relevant documents.
- (b) The EEO officer or a designee will arrange for the investigator's visit. This may include—
  - (1) Arranging for quarters and transportation.
  - (2) Providing a private office, clerical help, and access to a telephone.
  - (3) Making sure that all named witnesses and ADO's are readily available.
  - (4) Giving the investigator any other administrative help needed to conduct an efficient investigation.
- (c) The EEO officer should provide the labor counselor with at least 10 days advance notice of the dates, time, and location of the USACARA investigation.

(d) To avoid the appearance of impropriety, no activity personnel, to include EEO, CPO, management, or labor personnel will express an opinion regarding perceived merits of a complaint, or lack thereof, with the USACARA investigator. However, activity personnel may disclose facts that would assist the USACARA investigator at any time prior to the completion of the investigation and receipt of the USACARA Report of Investigation (ROI).

**§ 588.18 Authority assigned to the USACARA investigator.**

By designation of the Secretary of the Army, USACARA investigators are authorized to act as shown below.

- (a) Investigate all aspects of a complaint. This includes reviewing and copying all records judged by the investigator to be pertinent to the investigation. Classified documents may be examined only by an investigator who possesses the appropriate security clearance.
- (b) Require all Army personnel to cooperate with the investigator in conducting the investigation.
- (c) Require Army personnel who have any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence, unless this testimony would result in self-incrimination.
- (d) Administer oaths.
- (e) Issue an ROI containing conclusions and recommendations.

**§ 588.19 Conducting the investigation.**

The investigator—

- (a) Collects facts and develops information on each accepted allegation in the Complaint and reviews the circumstances under which the discrimination is alleged to have taken place. The investigator does not have the authority to expand the scope of the investigation to include any charges of allegations that were not included in the formal complaint or for which precomplaint counseling was not given. The obligation of the investigator to collect facts and develop information does not lessen the responsibility of the complainant and management to prepare, present, and explain their positions as the disputes.